

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

REYNARD A. GROSSI,

Petitioner,

v.

DAVID NOLAN,

Respondent.

Civil Action No. 05-11522-NMG

**RESPONDENT DAVID NOLAN'S MOTION TO DISMISS
PETITION FOR WRIT OF HABEAS CORPUS**

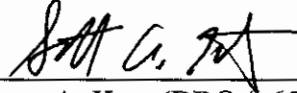
Respondent David Nolan hereby moves that this petition for a writ of habeas corpus be dismissed in its entirety because Petitioner Reynard A. Grossi has failed to exhaust available state-court remedies for all three claims he presents in his petition. Because Grossi has not first provided Massachusetts's highest court with an opportunity to pass on the merits of his federal claims prior to bringing them before this Court, his petition should be dismissed. 28 U.S.C. § 2254(b)(1)(A). In support of this Motion, Respondent submits the accompanying memorandum of law.¹

WHEREFORE, Respondent David Nolan respectfully requests that the Court dismiss this petition for a writ of habeas corpus because Grossi has failed to exhaust his available state-court remedies.

¹ Respondent also submits an Answer and Supplemental Answer, filed herewith.

Respectfully submitted,

THOMAS F. REILLY
ATTORNEY GENERAL

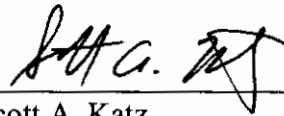


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Dated: September 9, 2005

LOCAL RULE 7.1(A)(2) CERTIFICATION

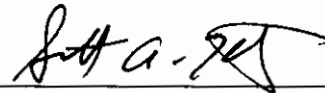
I hereby certify that Petitioner is currently incarcerated at a Massachusetts Correctional Institution and is not represented by counsel, rendering pre-filing conference impracticable.



Scott A. Katz

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the above document was served upon petitioner Reynard A. Grossi, W-58492, M.C.I. Cedar Junction, South Walpole, MA 02071 by first-class mail, postage prepaid, on September 9, 2005.



Scott A. Katz